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Kathryn P. Lucido Fellowship Attorney 10 North Post Street, Suite 700 Spokane, Washington 99201 509.624.7606 Attorney for Jason J. Lingo

> United States District Court Eastern District of Washington Honorable Rosanna Malouf Peterson

United States,

Plaintiff,

Motion for Early Termination of Supervised Release

v.

Jason Jay Lingo,

September 20, 2022 – 6:30 p.m.

Defendant. Spokane—Without Argument

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Introduction

Jason Lingo, through counsel, hereby moves this Court for early termination of supervised release. This motion is supported by the attached memorandum as well as the Court's record and file.

Background

On April 20, 2016, Mr. Lingo was charged by indictment with one count of receiving, one count of possession, and one count of distributing child pornography, in violation of 18 U.S.C. §§ 2252A(a)(2) and (a)(5)(B).¹ Mr. Lingo plead guilty to the receipt charge on October 3, 2016.² On January 4, 2017, the Court sentenced Mr. Lingo to 60 months of imprisonment to be followed by 10 years of supervised release.³ Mr. Lingo completed his prison sentence and commenced supervision on May 11, 2020.

Discussion

I. Legal Standard.

Four broad purposes underlie all federal criminal sentences: retribution, deterrence, incapacitation, and rehabilitation. *See Tapia v. U.S.*, 564 U.S. 319, 325 (2011). But "a particular purpose may apply differently, or even not at all, depending or

¹ See ECF No. 1 (Indictment).

² See ECF No. 40 (Plea Agreement).

³ See ECF No. 61 (Amended Judgment).

the kind of sentence under consideration." Id. at 326. A prison sentence may only be motivated by retribution, deterrence, and incapacitation, not rehabilitation. See id. at 335. Meanwhile, "a court may *not* take account of retribution [...] when imposing a term of supervised release," only deterrence, incapacitation, and rehabilitation. See id. at 326 (emphasis in original). In other words, supervised release is intended only to serve prophylactic and rehabilitative purposes.

This Court is empowered under 18 U.S.C. § 3583(e)(1) to terminate a supervised release term and discharge the defendant at any time after completion of one year of supervision if the Court is "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." A district court "enjoys discretion to consider a wide range of circumstances when determining whether to grant early termination." U.S. v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014) (citing U.S. v. Pregent, 190 F.3d 279, 283 (4th Cir. 1999)). However, a defendant need not establish "rare" or "exceptional" circumstances to receive early termination of supervised release. U.S. v. Ponce, 22 F.4th 1045, 1047 (9th Cir. 2022). In deciding whether to terminate supervised release under §3583(e)(1), the Court is to consider a subset of the 18 U.S.C. § 3553(a) factors. 18 U.S.C. § 3583(e); Emmett, 749 F.3d at 819. The factors most relevant to this case are as follows:

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- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed—...
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with the needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.
- 18 U.S.C. § 3553(a).

II. Mr. Lingo is eligible for early termination of supervised release.

Section 3583(a)(1) requires a defendant complete at least one year of supervision to qualify for early termination. As of this filing, Mr. Lingo has completed two years and three months of supervised release. Is therefore statutorily eligible for early termination.

III. Mr. Lingo has demonstrated outstanding course correction.

The conduct underlying this conviction was an outlier in an otherwise lawabiding life. Mr. Lingo has spent the past years reflecting on what he must do to ensure
he never veers off course again. In prison, he attended substance abuse programming
and quickly recognized the parallels between drug addiction and his relationship with
pornography. He realized that he needed to approach recovery holistically. For
example, group discussions became a way for him to overcome his social anxieties. He
chipped away at his longstanding discomfort with speaking in group settings. He

learned how to stand up for himself in an assertive, yet measured way. He made every lesson into a paving-stone toward recovery and reentry.

That path has not been perfect. In late 2020, Mr. Lingo "relapsed," making the poor choice to access adult pornography stored on an old cell phone. Probation filed a petition concerning the incident on January 8, 2021. When questioned, Mr. Lingo admitted having the cell phone and surrendered it to U.S. Probation. Notably, the cell phone had been disconnected from service for years, and Mr. Lingo only accessed the files that he'd saved before this case commenced. At his first appearance before this Court, he admitted to both violations; the Court modified his supervision conditions but ultimately held the violations in abeyance for 90 days. 90 days later, the Court ultimately dismissed both violations and continued Mr. Lingo on supervision under the modified conditions. Since that incident, more than 18 months has elapsed without any further alleged violations.

Mr. Lingo's driving motivation to be better comes from his commitment to his family. He lives with his fiancée, Tomea Arnett, her son L. (age 7), and their son J. (age

⁴ See ECF No. 79 (Petition).

⁵ *Id*. at 2-3.

⁶ See ECF No. 84 (Minute Entry).

⁷ See ECF No. 88 (Order Dismissing Petition).

5). Ms. Arnett has supported Mr. Lingo for years; she wrote a letter of support at his sentencing and submits another letter with this Motion. When Mr. Lingo was sentenced, she was about seven weeks pregnant with J. After J. was born, she brought him along on prison visits, and Mr. Lingo was allowed to hold J. during those all-toorare moments. Upon release, Mr. Lingo has a lot of lost time to make up for. And he made that his top priority.

His family recognizes his dedication. Mr. Arnett writes that he "truly strives" to better himself for his family's sake. He has become "Dad" to L., whose natural father has only recently taken an interest in L.'s life. L. and J. share Mr. Lingo's fascination with cars. He loves taking them to watch motorsport events and explaining his automobile repair projects to them. Lately, he's taken to chainsaw assembly, and the kids have a toy version of the model he builds. The three see magic happen in the heaps of metal parts.

⁸ See Exhibit A (Letter from Tomea Arnett).

⁹ *Id*. at 2.





J. thrives outdoors (whereas L. preferes screens), so J. always accompanies him when Mr. Lingo visits his father, Todd Lingo, in Elk, Washington. Todd is newly retired, but runs a small-scale cattle farm. There's plenty of work to do on the farm, so Mr. Lingo goes out there almost weekly on his days off. Todd "can always count on" Mr. Lingo's aid. 10

Indeed, helping loved ones is second nature for Mr. Lingo. Ian Anderson, a childhood friend, writes that Mr. Lingo's assistance has been "instrumental" to Mr. Anderson's stability over the years, especially as he suffers mobility limitations from a

¹⁰ See Exhibit B (Letter from Todd Lingo).

medical issue.¹¹ He has relied on Mr. Lingo for various forms of support, from household repairs to house-sitting.¹² He can even count on Mr. Lingo to lend a hand at his father's place; his father and his father's girlfriend know Mr. Lingo as "dependable" and "always willing to help with anything [they] need."¹³ Another childhood friend, David Fair, described Mr. Lingo as "one of the harded working and most giving people" he knows and "the person that people call when they need help or an extra hand."¹⁴ Being there for others is Mr. Lingo's second job.

As for his primary job, Mr. Lingo is currently employed at Amazon's local warehouse. Officially, he is an inventory-control and quality-assurance associate. In this role, he manages his warehouse's vast product stores, filling orders, and keeping things organized. And he takes this work very seriously: he has received numerous commendations for exceeding productivity quotas, sometimes by as much as 200%. He has been picking up qualifications and responsibilities in other roles too. He is now responsible for "pod transfers," i.e., managing the logistics behind large-volume

¹¹ See Exhibit C (Letter from Ian Anderson).

 $^{^{12}}$ *Id*.

¹³ See Exhibit D (Letters from James Anderson and Collene Colva).

¹⁴ See Exhibit E (Letter from David Fair).

¹⁵ See Exhibit F (Amazon Productivity Reports). Mr. Lingo's employer sets the target productivity rate as 200 units per hour (UPH). The "% to Goal" field indicates the percentage ratio between his UPH performance and the target rate. These statistics show that he consistently performs above 100% whenever his productivity is tracked.

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product transfers between Amazon warehouses. He is often called in to investigate and resolve product complaints. Finally, as a Learing Ambassador, whenever he gains new qualifications, he then trains other employees in those roles.

But, make no mistake, his work is grueling. He currently works four days a week, working 10 hours a day. The job has him on his feet for that entire 10-hour shift. In 2021, he was diagnosed with fibromyalgia, which is a chronic condition that causes generalized body pain and fatigue. He and his physician are still searching for an effective treatment regimen that does not cause debilitating side effects. In the meantime, his physician has ordered him to work no more than 40 hours per week. While this restriction makes sense, it does curtail opportunities for overtime. Amazon typically expects its employees to work overtime, and the time-and-a-half pay is a lucrative opportunity for those who can manage it. Mr. Lingo cannot physically handle extra hours. Consequently, he misses out on financial rewards available to other employees and, as will be explained further, opportunities for promotion. But nevertheless, he—quite literally—gives his utmost to his job.

His accomplishments, in spite of hardship, show the immense effort he has made to overcome his past, make amends for this offense, and build a brighter future. In light of his performance on supervised release to date, his pertinant history and characteristics under the 18 U.S.C. § 3553(a)(1) weigh in favor of early termination.

Reentery is never easy. But Mr. Lingo has risen to the challenege in all aspects of his life.

IV. Further supervision does not serve the purposes of sentencing.

At sentencing, this Court stated that five years of imprisonment was "unjust" and "more than should be imposed in this case." ¹⁶ But statute required Mr. Lingo receive at least five years in prison, despite the fact that other sentencing factors (including the purposes of sentencing) "completely gut[ted] any sort of rationale" for such a long sentence. ¹⁷ This Court put it frankly: Mr. Lingo's carceral sentence was "greater than necessary." ¹⁸

Five years in prison exceeded what was appropriate for retribution, deterrence, and incapacitation in Mr. Lingo's case. So, deterrence and incapacitation had been amply addressed by the time Mr. Lingo finished his prison term. There was—and still is—no need for further deterrence or incapacitation under §§ 3553(a)(2)(B) and (C). The only ground left to cover on supervised release was rehabilitation under §3553(a)(2)(D).

Mr. Lingo had already begun his rehabilitation while in custody. Knowing he was

¹⁶ See ECF No. 63 at 9:24-10:4 (Sentencing Transcript).

¹⁷ *Id.* at 9:18-23.

¹⁸ *Id.* at 22:24-25.

missing his son's first steps and words, he completed a parenting class to get ready for full-time fatherhood after his release. ¹⁹ He made all available preparations to find a job that could support his family. In custody, he completed RDAP and vocational programs in electrical systems, HVAC, investing, and commercial driving. At the Spokane RRC, he took a three-month skilled trades preparation course through Spokane Community College, which earned him a certificate in first aid and CPR, construction safety standards, traffic-control flagging, and scaffold operation. ²⁰ He's remained sober for the entirety of his sentence. Lastly, he's completed all required mental health treatment—namely, regular counseling sessions. Through all of this work, he has proven his commitment to a productive, law-abiding life and to his family's future.

Ultimately, Mr. Lingo's significant progress shows that further supervision sees no rehabilitative purpose. He has already received and made effective use of the rehabilitative tools described in §3553(a)(2)(D), so this factor weighs in favor of early termination. He has a stable home, an income, and a family that depends on him. U.S. Probation's time and resources are better spent on those who actually require the rehabilitative support.

¹⁹ The hard-copy certificates for Mr. Lingo's prison programming have been lost over various transfers between facilities or misplaced in the years since he mailed them home from prison.

²⁰ See Exhibit G (Certificates of Completion).

Early termination of Mr. Lingo's supervision serves the interests of justice. V.

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Besides lacking any beneficial purpose, further supervision weighs heavy on Mr. Lingo's responsibilities, relationships, and advancement. Early termination will relieve those burdens.

At home, Ms. Arnett sorely needs his help running the parent taxi. So far, she's been handling all transportation to and from school and everywhere else Mr. Lingo can't go under his supervision conditions. They also have hired a babysitter, but that babysitter can only do so much; moreover, she recently discovered new health issues that may further reduce her availability. Ms. Arnett has to handle the rest of the driving on her own, even on Mr. Lingo's days off. She has had to request leave from work to get L. and J. where they need to go. If leave is denied, the kids stay home—they've missed school twice so far for lack of a driver. And as J. starts full-time kindergarten in the fall, the kids' schedule will be busier than ever. Mr. Arnett has worked very hard as a single parent in Mr. Lingo's absence. Although he's home now, she still shoulders an increased share of parental labor because of his supervision conditions.

Supervision has affected his other relationships, too. L. and J. struggle to understand why their friends cannot come over or why their father bows out of social events. As the two get older, it pains Mr. Lingo to think about missing their school recitals and parent-teacher conferences. He has an aunt in Great Falls, Montana, who lost both her father (Mr. Lingo's grandfather) and mother while Mr. Lingo was in prison; Mr. Lingo plans to reconnect with her but will need to spend an extended period in Montana. A family friend with sons of similar ages sometimes watches L. and J. in a pinch, but she cannot rely on Mr. Lingo and Ms. Arnett for the same help. David Fair, who happens to be blind, used to depend on Mr. Lingo for transportation, including taking Mr. Fair's children to school. Mr. Lingo still helps Mr. Fair out whenever possible, but he can no longer transport Mr. Fair's children or even visit Mr. Fair when the children are present. It's important to Mr. Lingo to support his family and friends whenever possible. But supervision limits what he can do.

Finally, Mr. Lingo dreams of more than just stability—he wants to give his family more. The kids love bike-riding, but out of concern for their safety in city traffic,

²¹ See Exhibit H (Letter from Joyce Lingo).

²² This family friend is fully aware of Mr. Lingo's conviction and supervision status. But a recent event shows why supervision can make friendships awkward. On August 15, 2022, Mr. Lingo arrived home from work to find one of the friend's sons at his home. Ms. Arnett explained that the friend dropped the child off on short notice to run a quick, but urgent, errand. The friend had no doubt that the son would be safe around Mr. Lingo and apparently misunderstood the strict nature of his supervision conditions. Mr. Arnett agreed to watch the child, knowing it wasn't allowed but reasoning that it was just a short emergency. (She has also completed training to be an approved chaperone for children in Mr. Lingo's presence and knew there'd be no actual risk). There was nowhere else for this child to go. Officer Heinen visited the home that evening; Mr. Lingo explained everything and gave the friend's contact information to Officer Heinen for verification. On August 26, 2022, Mr. Lingo was advised by Officer Heinen that U.S. Probation had concluded that no notification to the Court was required because of Mr. Lingo's actions of having a chaperone present and advising the child's mother of his status. See Exhibit I (Text from Officer Heinen).

²³ See Exhibit E.

 $^{^{24}}$ *Id*.

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Mr. Lingo and Ms. Arnett insist they only ride bikes at Todd Lingo's more rural home in Elk. Mr. Lingo hopes he can someday afford to move his family out to Elk, both to give the kids more freedom outdoors and so he may be closer to his aging father.

But saving for this goal is slow going. Despite his hard work, Mr. Lingo has his a ceiling with promotions. The next step up the ladder at Amazon would be a Process Assistant position. But that job would be no less physically demanding and would require him to routinely work overtime. That is beyond his current medical capacity. He has a formal accommodation letter on file, but even if Amazon cannot overtly exclude him from promotion because of his disability, he has notice subtler signers that promotion is unlikely unless he can work overtime. So, for now, he's stuck where he is.

A career change seems like the most viable option for advancement. But opportunities are scarce for someone with this type of conviction, much less anything that pays more and requires no greater physical exertion. He is interested in applying for an apprenticeship in a skilled trade. But that's a non-starter while he's on supervision. He would need to be able to travel out of the district to jobsites, bids, and trainings on short notice or open-ended timeframes. Besides, he'd need to carefully screen each project and reject any work near a school or playground and would need to map out the distances between the jobsites and any prohibited places. An entry-level tradesperson can't demand the luxuries of certainty and pickiness when it comes to

project assignments. As a result, union work is shelved until he is off supervision.

In sum, early termination will remove the impediments that hinder Mr. Lingo's ability to be a full co-parent, an involved father, a dependable friend, and upward bound in his career. When supervision serves only to hobble his progress, early termination is in the interests of justice.

VI. U.S. Probation defers to the Court.

U.S. Probation Officer Chris Heinen was contacted on August 24, 2022 (via email); he advised defense counsel that he would remain neutral on the request, per office policy for someone with this type of conviction, and defer to the Court. ²⁵ Mr. Lingo was reported to have successfully completed treatment services, have a stable and improved relationship with his fiancée, and engage with his children as a father figure.

Conclusion

For the foregoing reasons, Mr. Lingo respectfully requests early termination of supervised release. Mr. Lingo does not specifically request a hearing on this Motion, but can certainly provide additional information the Court would request, and is available should the Court determine a hearing is necessary.

²⁵ See Exhibit J (Email from Officer Heinen).

Dated: August 31, 2022. 1 Federal Defenders of Eastern Washington & Idaho 2 Attorneys for Jason J. Lingo 3 s/ Kathryn P. Lucido Kathryn P. Lucido, WSBA No. 58390 4 10 North Post Street, Suite 700 Spokane, Washington 99201 5 t: (509) 624-7606 kathryn lucido@fd.org 6 7 8 Service Certificate 9 I certify that, on August 31, 2022, I electronically filed the foregoing with the 10 Clerk of the Court using the CM/ECF System, which will notify Assistant United 11 States Attorneys: Alison Gregoire. 12 s/ Kathryn P. Lucido Kathryn P. Lucido, WSBA No. 58390 13 10 North Post Street, Suite 700 Spokane, Washington 99201 14 t: (509) 624-7606 kathryn lucido@fd.org 15 16 17 18 19

To The Honorable Judge Peterson,

Hello, I am Jason's France, Tonea. I live with him and our two boys in Spokane. I work as a Supervisor to a data entry team at Manhattan Life. I have been with the company for more than 4 years but was just recently promoted to Supervisor.
I first met Jason in March of 2015 The were together before his incarceration and are still in a happy relationship today. Since his release, he has been focused on working and raising our kids In his free time, he is usually in the garage working on projects with our son. They have really bonded over their mutual love for cars. My 5 year old already knows more about cars than I do! Another hopby we all enjoy as afamily is going to the races. He will also often attend other family events with us, such as fairs, or beach days. Watching our family grow has been a blessing to me. Together we face many Challenges, and together we over come them. We are able to provide each other constructive critisism on our parenting and we are able to meet in the middle

Jason has a big heart and truly strines to be a good person. I often see him working on self-improvement. For example, If I complain that he needs to communicate better, I can actively see him putting forth the effort to communicate better. Another example is when I see him displine ar kids, and we discuss afterwards if that was effective or not and what we result. We make a good team. He is genuinely interested in improving our family: I do believe that early termination of his supervised release would benefit Jason as well as our family. A big stressor to our family is that he can't go to school functions or help with drop off and pick up. We have had to hire someone to drop off a pick up from school on Jasons days off. The kids have had to miss school because of this. Another stressor is that we often are mable to travel due to his restrictions I am very close to Jason. I have spent every day with him for years

I know him very well and can say with certainty that he will not reaffend the has a good heart and never meant to hart anyone.

Sincerely,

To The Honorable Judge Peterson I'am Jason Lingo Ferther I have werked over forty year's at Spalding Auto Parts IN the Spokere willey. I Recently Ketired. JUSON has Been doing well In the 195+ Few Years. He often Brings His family out To My flace in ELK was To visit and help me with farm projects. I can allugys Count on Him when I Need Help. Some headship Jason and Tomeg are having is reliable Transportation to and from the Kid's schools, and Jason is Not able to Take and prekup Kis Kids at School Because of his probation Conditions. I Feel ending probotrow would open up more opportunities for Jason for employment due To Restrictions. I feel early termination of probation would benefit Jason and his family I fully Support The Courts Decision to end proportion early I feel Tesen is highly unlikely to re-offendo I see he has learned from his fast Mistakes.

Judge Peterson I appreciate you Loing fair with Jason and showing compassion in his case. I would personally like To Thank you for all you have done To Help Japon.

Thank You Todd Ligo

To the court, I have known Jason Lingo since I was seven years of. He is one of the kinder compassionate people I have eves met in my life, and I am thisty-five. I was a union construction worker for the last ten years, and Jason was instrumental in ne keeping a home togewher while on the soaf. Wether it was fixing stuff for my gistfries, watching the place when I didn't have a gistfsiesd, or beloing the kids with their honework. He was always one phone call away. And since I carre down with passonage-turner syndrome and have lost mobility and an in constant pain, the phone calls to Jason cestainly have not decreased, and luckley neither has Jason's helpful nature wit which I find unazing. Jason bolds down a full-time sob, has a wholesome relationship Toneu, and takes the time to be a good and some what patient tather to their sons. And he manages this inspite of the fact he too is in a large amount of pair and

having difficulties sleeping, problems costors bave been unable to treat. I understand the need for probation, a strighten assow must be test fixed and then it's puth closely watched to insuse it has in fact been strighterd from what I have seen in Jason; he has in fact been strightend and I think that teeking him off of probation would give him more time to spend with his family; and I know it would definitely reduce his stress level and hopfully improve his bealth. Although Jason usually has the smallest sholders in the soom, they use generally under the most responsibility. I am susc you guys have plusty duces you could use the resources

thank you for the opportunity to weigh in on this Jecision

I an Anderson

My Name is James Anderson I am 80 years old. I am a retired Teamotes. I line at

I have Known Jason Lingo since he was in High School. He has always been respectful Kind and dependable. He has helped with my vehicles, Freward, and various other Tasks that I am no longer able to do. This is done with no expectation of pay. He now has a good job and is raising his family. He owns his own home. The home needs some repaires which concerns him. Getting off Pubation would lower his stress levels.

James R Anderson

L'am Collene Colora. I line at

L'have known

Lason Lingo for about a

year. He has been polite

prompt and helpful.

Jason is always
willing to help with anything

we need.

Collene & Colora EXHIBIT E.

To the honorable Judge Peterson,

My name is David Fair and i am writing in regards to the early dismissal of Jason Lingos probation.

I have known Jason since 2nd grade and he has remained one of my closest friends. I am legally blind and have been from the age of 5. Over the years Jason has helped me with everything from driving me to appointments and rides to school when he got his license. I occasionally need help bringing my kids to and from school or to their appointments, i know Jason would be completely willing to help with these things but because of the current restrictions he's not able to.

I have lived in Spokane and the surrounding area my entire life and have been employed for as long as i can remember. I am currently working for Devries Packing and storage, which is a moving company here in Spokane.

Jason and i grew up together and have always assumed our children would grow up together and become as close as we are. The current rules of his probation stop us from hanging out and letting our kids get to know each other.

Over the last few years Jason has shown that he recognizes what he did and has stayed focused on keeping out of trouble and going above and beyond the expectations of his probation. He has maintained employment since his release and has made raising his family his highest priority. I have no question in my mind that the early release of probation would only further allow him to seek better opportunities for himself and his family. Jason is one of the hardest working and most giving people i know. He has always been the person that people call when they need help or an extra hand with a project. Again, this would only allow him to expand that and fully be the person he enjoys being.

I hope that these few things I've said will be heard and considered in your decision. I thank you for the opportunity to voice my opinion and hope that you will see Jason in the same light that his friends and family do.

Thank you, David Fair Acknowledged by associate on July 07, 2021, 10:49:36 AM - Delivered by Rule, Taylor Christopher (taylrule)

EXHIBIT F.

Supportive Feedback Document Productivity - Documented Positive

amazon.com

Associate Name: Lingo, Jason J (jasoling)
Manager Name: DeCarlo, Jess (DC1-0715)
Created On: July 07, 2021, 10:49:36 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	4	June 23, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH	Target	% to Goal
IC-QA-CS	4300020901 Itemamnestied Each Total	Level 5	15.18	4386	288.92	200	144.46

Performance Trend

Below is a summary of your past Productivity performance.

Period Start	Unit Count	Hours Worked	UPH	% to Goal	% to Peers	Exempted
June 30, 2021, 5:00:00 AM	4386	15	289.0	144.46	4.45682430267334	N
June 23, 2021, 5:00:00 AM	1231	6	218.0	109.0	34.06593322753906	N
June 16, 2021, 5:00:00 AM	4976	19	267.0	133.72	6.335616588592529	N
June 09, 2021, 5:00:00 AM	2809	12	237.0	118.26	24.93765640258789	N
June 02, 2021, 5:00:00 AM	3957	16	253.0	126.73	15.358362197875977	N
May 26, 2021, 5:00:00 AM		18	247.0	140.21	23.776824951171875	N

Associate Comments

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Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:

Date: July 07, 2021, 10:49:36 AM

Manager Signature: Acknowledged by Rule, Taylor Christopher (BadgelD:

Date: July 07, 2021, 10:49:36 AM

Acknowledged by associate on August 26, 2021, 9:18:40 AM - Delivered by Elikh, Art (elikh)

Supportive Feedback Document **Productivity - Documented Positive**

amazon.com

Associate Name: Lingo, Jason J (jasoling) Manager Name: DeCarlo, Jess (DC1-0700) Created On: August 26, 2021, 9:18:40 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	5	July 07, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH	Target	% to Goal
	4300020901 Itemamnestied Each Total	Level 5	10.36	3430	330.92	200	165.46

Performance Trend

Below is a summary of your past Productivity performance.

Period Start	Unit Count	Hours Worked	UPH	% to Goal	% to Peers	Exempted
August 18, 2021, 5:00:00 AM	3430	10	331.0	165.46	4.215686321258545	N
August 11, 2021, 5:00:00 AM		0	0.0	0.0	-	Y
August 04, 2021, 5:00:00 AM		0	0.0	0.0	-	Y
July 28, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Y
July 14, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Y

Associate Comments

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:

Date: August 26, 2021, 9:18:40 AM

Manager Signature: Acknowledged by Elikh, Art (BadgelD:

Date: August 26, 2021, 9:18:40 AM

Acknowledged by associate on September 03, 2021, 11:00:59 AM - Delivered by DeCarlo, Jess (jessfarr)

Supportive Feedback Document Productivity - Documented Positive

amazon.com

Associate Name: Lingo, Jason J (jasoling)
Manager Name: DeCarlo, Jess (DC1-0700)
Created On: September 03, 2021, 11:00:59 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	6	August 25, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH	Target	% to Goal
IC-QA-CS	4300020901 Itemamnestied Each Total	Level 5	16.09	5947	369.46	200	184.73

Performance Trend

Below is a summary of your past Productivity performance.

Period Start	Unit Count	Hours Worked	UPH	% to Goal	% to Peers	Exempted
August 25, 2021, 5:00:00 AM	5947	16	369.0	184.73	2.700186252593994	N
August 18, 2021, 5:00:00 AM	3430	10	331.0	165.46	4.215686321258545	N
August 11, 2021, 5:00:00 AM	0	0	0.0	0.0	_	Y
August 04, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Y
July 28, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Y

Associate Comments

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:

Date: September 03, 2021, 11:00:59 AM

Manager Signature: Acknowledged by DeCarlo, Jess (BadgelD:

Date: September 03, 2021, 11:00:59 AM

Acknowledged by associate on October 15, 2021, 11:03:17 AM - Delivered by DeCarlo, Jess (jessfarr)

Supportive Feedback Document Productivity - Documented Positive

amazon.com

Associate Name: Lingo, Jason J (jasoling)
Manager Name: DeCarlo, Jess (DC1-0700)
Created On: October 15, 2021, 11:03:17 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	7	September 01, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH	Target	% to Goal
IC-QA-CS	4300014798 Cyclecount Each Total	Level 5	17.12	5164	301.47	187	161.21

Performance Trend

Below is a summary of your past Productivity performance.

Period Start	Unit Count	Hours Worked	UPH	% to Goal	% to Peers	Exempted
October 06, 2021, 5:00:00 AM	5164	17	301.0	161.21	2.54424786567688	N
September 29, 2021, 5:00:00 AM	0	0	0.0	0.0	_	Y
September 22, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Y
September 15, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Υ
September 08, 2021, 5:00:00 AM	0	0	0.0	0.0		Y
September 01, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Y

Associate Comments

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:

Date: October 15, 2021, 11:03:17 AM

Manager Signature: Acknowledged by DeCarlo, Jess (BadgelD:

Date: October 15, 2021, 11:03:17 AM

Acknowledged by associate on November 11, 2021, 2:17:27 PM - Delivered by Brown, Christopher David (brownfbc)

Supportive Feedback Document **Productivity - Documented Positive**

amazon.com

Associate Name: Lingo, Jason J (jasoling) Manager Name: DeCarlo, Jess (DC1-0700) Created On: November 11, 2021, 2:17:27 PM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	8	October 13, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH	Target	% to Goal
IC-QA-CS	4300020901 Itemamnestied Each Total	Level 5	16.55	6337	382.82	191	200.43

Performance Trend

Below is a summary of your past Productivity performance.

Period Start	Unit Count	Hours Worked	UPH	% to Goal	% to Peers	Exempted
November 03, 2021, 5:00:00 AM	6337	17	383.0	200.43	2.923264265060425	N
October 27, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Υ
October 20, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Υ
October 13, 2021, 5:00:00 AM	0	0	0.0	0.0	_	Υ
October 06, 2021, 5:00:00 AM	5164	17	301.0	161.21	2.54424786567688	N
September 29, 2021, 5:00:00 AM	0	0	0.0	0.0	-	Υ

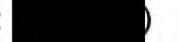
Associate Comments

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:



Date: November 11, 2021, 2:17:27 PM

Manager Signature: Acknowledged by Brown, Christopher David (BadgelD:



Date: November 11, 2021, 2:17:27 PM

Acknowledged by associate on December 20, 2021, 7:10:00 AM - Delivered by Wheeler, John (johnivm)

Supportive Feedback Document Productivity - Documented Positive

amazon.com

Associate Name: Lingo, Jason J (jasoling)
Manager Name: DeCarlo, Jess (DC1-0700)
Created On: December 20, 2021, 7:10:00 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	9	November 10, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH	Target	% to Goal
IC-QA-CS	4300020901 Itemamnestied Each Total	Level 5	11.03	3606	326.89	196	166.78

Performance Trend

Below is a summary of your past Productivity performance.

Period Start	Unit Count	Hours Worked	UPH	% to Goal	% to Peers	Exempted
December 08, 2021, 5:00:00 AM	3606	11	327.0	166.78	6.048052787780762	N
November 24, 2021, 5:00:00 AM		0	0.0	0.0	-	Y
November 17, 2021, 5:00:00 AM		10	260.0	127.21	29.090909957885742	N
November 10, 2021, 5:00:00 AM		7	304.0	143.41	18.995098114013672	N
November 03, 2021, 5:00:00 AM		17	383.0	200.43	2.923264265060425	N

Associate Comments

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:



Date: December 20, 2021, 7:10:00 AM

Manager Signature: Acknowledged by Wheeler, John (BadgelD:



31

Date: December 20, 2021, 7:10:00 AM

Acknowledged by associate on March 17, 2022, 11:08:47 AM - Delivered by Gunderson, Johanna (dilulo)

Supportive Feedback Document Productivity - Documented Positive

amazon.com

Associate Name: Lingo, Jason J (jasoling)
Manager Name: Snyder, Nick (DC1-0700)
Created On: March 17, 2022, 11:08:47 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent
Documented Positive	9	December 15, 2021

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH
IC-QA-CS	4300020901 Itemamnestied Each Total				

Performance Trend

Below is a summary of your past productivity performance.

Period Start	Units Processed	Hours Worked	UPH	% to Peers	Exempted
March 09, 2022, 5:00:00 AM	4074	All the second s		2.5884382724761963	
March 02, 2022, 5:00:00 AM	1808			24.978466033935547	
February 23, 2022, 5:00:00 AM	3789			23.539823532104492	
February 16, 2022, 5:00:00 AM	0	0	0.0	-	v
February 09, 2022, 5:00:00 AM	0	0	0.0	-	v
February 02, 2022, 5:00:00 AM	0	0	0.0	_	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \

Associate Comments

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:



Date: March 17, 2022, 11:08:47 AM

Manager Signature: Acknowledged by Gunderson, Johanna (BadgelD: 1



Date: March 17, 2022, 11:08:47 AM

Acknowledged by associate on July 15, 2022, 10:32:58 AM - Delivered by Sokoloski, Tyler (tsoko)

Supportive Feedback Document Productivity - Documented Positive

amazon.com

Associate Name: Lingo, Jason J (jasoling)
Manager Name: Snyder, Nick (DC1-0700)
Created On: July 15, 2022, 10:32:58 AM



Summary

Your recent job performance has met or exceeded Productivity expectations. Your manager and Amazon.com would like to take a moment to recognize your performance and thank you for your hard work.

Communication History

The following is a summary of your productivity feedback:

Level	Count	Most Recent		
Documented Positive	6	March 16, 2022		

Details of Current Incident/Specific Concerns

Process	Function	LC	Hours	Units	UPH
IC-QA-CS	4300020901 Itemamnestied Each Total	Level 5	10.01	3130	312.54

Performance Trend

Below is a summary of your past productivity performance.

Period Start	Units Processed	Hours Worked	UPH	% to Peers	Exempted
July 06, 2022, 5:00:00 AM	3130	10	313.0	3.524672746658325	N
June 29, 2022, 5:00:00 AM	0	0	0.0	-	Y
June 22, 2022, 5:00:00 AM	3083	10	303.0	12.5	N
June 15, 2022, 5:00:00 AM	0	0	0.0	-	Y
June 08, 2022, 5:00:00 AM	0	0	0.0	-	Y
June 01, 2022, 5:00:00 AM	3635	12	294.0	22.28360939025879	N

Associate Comments

hank you.		
nam you.		

Associate Signature: Acknowledged by Lingo, Jason J (BadgelD:



Date: July 15, 2022, 10:32:58 AM

Manager Signature: Acknowledged by Sokoloski, Tyler (BadgelD:



33

Date: July 15, 2022, 10:32:58 AM

EXHIBIT G.



Apprenticeship & Journeyman Training Center, 2110 N Fancher, Spokane WA 99212

Skilled Trades Preparation (STP) Course

Winter Quarter, 2020 / January 6 – March 16*

*Class shortened by two weeks due to the Coronavirus

Certificate of Successful Completion

for

JASON LINGO

Attendance: 98% No Calls: 0 Tardy: 0 Left Early: 0

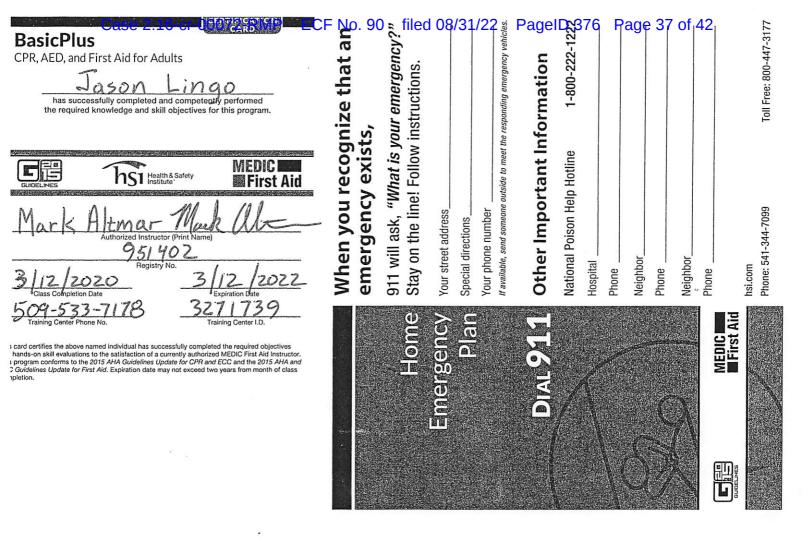
CERTIFICATES	
First Aid/CPR	Completed
OSHA 10 - Construction	Completed
Flagger	Completed
Scaffold	Completed

BASIC SKILLS	
Basic Construction Safety	Excellent
Material / Tool Identification	Satisfactory
Blueprints and Measurements	Satisfactory
Construction Skills	Satisfactory
Math for Pre-Apprenticeship	Excellent

PORTFOLIO*	
Resume	Completed
Cover Letter	Completed
Generic Application	Completed
60-Second Commercial	Completed
PowerPoint	Completed

^{*} Due to the Coronavirus, some students didn't get a chance to complete all the assignments.





This recognizes that the named person has received basic knowledge and information compliant with MUTCD and necessary to perform the duties of a Traffic Control Flagger.

Training was conducted by:

Organization SCC STP

Instructor's Name (print) Toole Cody

Instructor's ID Number 023891

washington state traffic control FLAGGER

Name Jason Lmag I.D. No./S.S.N. 11318

Card No.

429993

Date of Expiration 3/2023

Date of Issue 3/2020

valid with photo ID

Flagger's Signature

Case 2:16-cr-00072-RMP ECF No. 90 filed 08/31/22 PageID.377 Page 38 of 42 EXHIBIT H.

August 3rd, 2022

The Honorable Judge Peterson,

My name is Joyce Lingo. I am a realtor in the Spokane community. Jason is my little brother that I have known for all 33 years of his life. It has been great to have my brother back home these past couple years. I am so proud of him because he has adjusted so well to life back at home which I understand can be a very difficult thing for someone in his situation. I am also proud of him for completing the RDAP program and working to improve himself by taking parenting classes and going to counseling. Not long after he got back, he enrolled in the Skilled Trades Program at Spokane Community College. He attended and completed the 11-week course which included training in the following: applied math, construction basics, financial literacy, first aid, flagging, OSHA 10 Construction Safety, scaffolding, and understanding apprenticeships. He excelled in his training and made connections with several contacts for potential apprenticeship opportunities. Unfortunately, he was not able pursue any of the job opportunities after graduating this program because they required traveling out of Eastern Washington for work and/or training. He also learned of temp agency work that he was interested in through the program but was also unable to pursue that because of requirement to have a set workplace and employer. He ended up getting a local job with Amazon at their main headquarters. He has worked hard at that job for almost 2 years to provide for his family. On his days off he enjoys spending time with his family which includes him, and Tomea's 5-year-old son named J and Tomea's 7-year-old son named L . Jason is a great father to both J and L as his very own son and has plans to formerly adopt him when him and Tomea officially tie the knot (hopefully soon). Jason enjoys teaching his sons how to work on pretty much anything with an engine (cars, motorcycles, tractors, etc) and taking them to Spokane Speedway to watch the races. On his days off he also devotes himself to helping his friends and loved ones in need. Recently his best friend Ian has experienced some ongoing medical issues that has prevented him from going back to work. Jason has been helping him with fixing his vehicles and making home repairs.

I believe that early termination of Jason's supervised release would be beneficial to him, his family, and his loved ones. Currently Jason is not able to help Tomea with dropping the kids off at school or day care (because it is prohibited). Jason would like to be able to help with these tasks and take the burden off Tomea. It would also be beneficial for him to be able to leave Eastern Washington and to have more freedom with his employment opportunities. He would love to be able to pursue jobs in the skilled trades and/or temp agencies but is unable to do so at this time because of the restrictions. He would like to go visit our aunt Sally in Great Falls, MT. While Jason was away, both our grandfather and Sally's

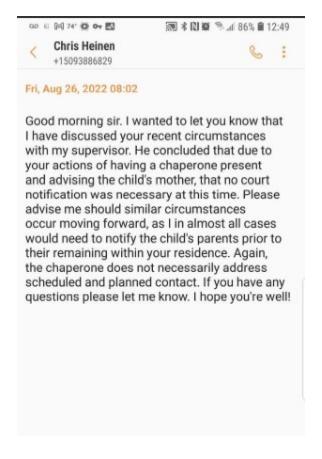
mother both passed away. He couldn't be there for her during that difficult time. Now that he is back home, he would like to spend some time with her.

In conclusion, my brother Jason Lingo has been doing great since he has been back. He has worked so hard to better himself, be a great father, provide for his family, and take care of his loved ones. He would like to be able to continue improving himself and helping his loved ones. He would like to do a lot more than he is allowed to do such as helping his fiancé with the kids, visiting family, and working in the trades. For this reason, I believe that early termination of his supervised release would deeply benefit him in reaching his full potential.

Warm Regards,

Japefingo

EXHIBIT I.



8/29/22, 9:52 ക്കുടെ 2:16-cr-00072-RMP ECF No. 90 Mafiledan വിഷ്ട്രിക്ക് വിഷ്ട്ര വിഷ്

RE: Jason Lingo Early Termination Request of Supervised Release

Chris Heinen < Chris_Heinen@waep.uscourts.gov>

Wed 8/24/2022 8:22 AM

To:Hannah Swenson <Hannah_Swenson@fd.org>;

Good morning Hannah,

I apologize for not responding sooner, but participated in a conference last week and was out of the office Monday. I therefore remain trying to get caught up, thus far without much success, but I digress. Mr. Lingo has experienced both setback and progress during the current term of supervised release. Specifically, Mr. Lingo has successfully completed both outpatient mental health and sex offender treatment services, and remains residing with his fiancée and their one child, as well as a second child belonging to Tomea, for whom Mr. Lingo serves as a father figure. Mr. Lingo remains employed full time in Spokane working for Amazon, and based on my dialogue with the parties, the two of them have improved on their relationship, which began to suffer around the time that the client engaged in his previously known and reported violation conduct, with the client's fiancée specifically noting that he had become closed off.

Mr. Lingo's primary setback of course occurred in January of 2021, when he was found to be in possession of a smart phone which possessed pornography, to include several images of what the evaluating professional at that time believed to be child pornography. The conduct, as I am sure you would agree, was a notable concern given his history. Given the client's current circumstances, I would remain neutral on the request and would defer to the Court.

Have a great day Hannah!

Chris S. Heinen United States Probation Officer Eastern District of Washington 509-742-6308

From: Hannah Swenson < Hannah Swenson@fd.org>

Sent: Monday, August 22, 2022 10:34 AM

To: Chris Heinen < Chris_Heinen@waep.uscourts.gov>

Subject: Jason Lingo Early Termination Request of Supervised Release

Good Morning Chris,

Jason Lingo is planning to file a motion for early termination of his Supervised Release. From our calculation, he has completed a little more than two years to date.

Can I ask your position on that request?

8/29/22, 9:52 മ്മൂടെ 2:16-cr-00072-RMP ECF No. 90 Maile da Masse 2:16-cr-00072-RMP Page 42 of 42

Many thanks!

Hannah

Hannah Swenson | Legal Extern

Federal Defenders of Eastern Washington & Idaho hannah_swenson@fd.org
(509) 624-7606 ext. 2209 | Office
(509) 747-3539 | Fax